

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TECHNICON SYSTEMS, INC.,

Plaintiff,

vs.

VALMONT INDUSTRIES, INC.,

Defendant.

8:21CV173

**THIRD AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the Stipulated Proposed Amended Progression Order (Filing No. 46) filed by the parties. After review of the motion, the Court finds good cause to grant the parties' requested extensions. Accordingly,

IT IS ORDERED that the Stipulated Proposed Amended Progression Order (Filing No. 46) is granted, and the amended case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **September 29, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **October 27, 2023**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The fact witness deposition deadline, including but not limited to depositions for oral testimony only under Rule 45 is **December 29, 2023**.
- 3) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	October 31, 2023
For the defendant:	December 29, 2023
For rebuttal:	January 31, 2024

- 4) The planning conference scheduled on June 30, 2023, is cancelled. The planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings is rescheduled before the undersigned magistrate judge on **January 31, 2024, at 10:00 a.m. CDT** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 5) The expert witness deposition deadline is **February 14, 2024**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **February 29, 2024**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **March 29, 2024**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 8th day of May, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge